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PTO/SB/29 (2/03)

Approved for use through 08/30/2003. GMB 0851-0032
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CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.
(Only for Continuation or Divisional applications under 37 C.F.R. § 1.53(d))

CHECK BOX if applicable
[+] DUPLICATE

Address to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attorney Docket No.	
First Named Inventor	SAMUEL ROSE, M.D. RELEASED 6/3/06
Examiner Name	SUSAN UNHAR, M.D.
Group / Art Unit	1642
Express Mail Label No.	

This is a request for a continuation or divisional application under 37 C.F.R. § 1.53(d).
(continued prosecution application (CPA)) of prior application number 08,782,590
filed on Aug. 13, 2001 entitled A METHOD FOR THE TREATMENT OF CANCER, ETC.

NOTES:

FILING QUALIFICATIONS: The application form identified above must be a nonprovisional application that is either (1) complete as defined by 37 C.F.R. § 1.51(b), or (2) the second stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issued from a CPA, except for issues and design, to the effect that the patent issued as a CPA, and is subject to the nonstatutory patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on, or after January 1, 1995.

CPA NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. § 1.53(d).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the second stage of a CPA. 37 C.F.R. § 1.53(d) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public has a right under the provisions of 37 C.F.R. § 1.14 to access to copies of, or information concerning, the prior application. The prior application may be given similar access to copies of, or similar information concerning, the other application or applications in the same class.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a reference regarding the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request: 37 C.F.R. § 1.78(e).

1. Enter the unentered amendment previously filed on _____ under 37 C.F.R. § 1.116 in the prior nonprovisional application.
2. A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53 (d)(4).
 - a. **DELETE** the following inventor(s) named in the prior nonprovisional application:

- b. The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. A new power of attorney or authorization of agent (PTO/SB/81) is inclosed. 11/04/2003 AWONDAF1 00000004 08782590
5. Information Disclosure Statement (IDS) is enclosed:
 - a. PTO-1449
 - b. Copies of IDS Citations

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Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

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TYPE: CROSS-NOTING, AND STATUS OF APPLICATION

201J6(d)

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PTO/SB/29 (2/98)

Approved for use through 09/30/2000. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 C.F.R. § 1.16(e) or (f))	83 - 20 =	63	x \$ 9 =	\$ 567.00
	INDEPENDENT CLAIMS (37 C.F.R. § 1.16(d) or (f))	2 - 3 =	0	x \$ 385 =	
	MULTIPLE DEPENDENT CLAIMS (If applicable) (37 C.F.R. § 1.16(d))			+ \$ _____	
				BASIC FEE (37 C.F.R. § 1.16)	385.00
				Total of above Calculations =	952.00
	Reduction by 50% for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27 & 1.28).				
	a. <input type="checkbox"/> A small entity statement is enclosed, if (b) and (c) do not apply.				
	b. <input type="checkbox"/> A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.				
	c. <input type="checkbox"/> Is no longer claimed.				
	8. <input type="checkbox"/> A check in the amount of \$ <u>952.00</u> is enclosed.				
	9. <input checked="" type="checkbox"/> Other: CHARGE FEE TO DEPOSIT ACCT #0013-0625 FOR ANY ADDITIONAL FEE REQUIRED OR CREDIT FOR ANY EXCESS FEE PAID. A DUPLICATE OF THIS REQUEST TRANSMITTAL IS ATTACHED.				

6. Small entity status:

- a. A small entity statement is enclosed, if (b) and (c) do not apply.
- b. A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. Is no longer claimed.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 0013 - 0625:

- a. Fees required under 37 C.F.R. § 1.16.
- b. Fees required under 37 C.F.R. § 1.17.
- c. Fees required under 37 C.F.R. § 1.18.

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- 8. A check in the amount of \$ 952.00 is enclosed.
- 9. Other: CHARGE FEE TO DEPOSIT ACCT #0013-0625 FOR ANY ADDITIONAL FEE REQUIRED OR CREDIT FOR ANY EXCESS FEE PAID. A DUPLICATE OF THIS REQUEST TRANSMITTAL IS ATTACHED.

NOTE: The prior application's correspondence address will carry over to this CPA
UNLESS a new correspondence address is provided below.

10. NEW CORRESPONDENCE ADDRESS

<input type="checkbox"/> Customer Number or Bar Code Label	(Insert Customer No. or Attach bar code label here)			<input type="checkbox"/> or <input type="checkbox"/> New correspondence address below
Name				
Address				
City	State		Zip Code	
County	Telephone		Fax	

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11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	JOHN Q. McQUILLAN
Signature	
Registration No. (Attorney/Agent)	19,805
Date	OCT 30, 2003